

**ENTERED**

March 31, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISIONCHARLES HARMON, *ET AL*,*Plaintiffs,*

VS.

SHELL OIL COMPANY, *ET AL*,*Defendants.*§  
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CIVIL ACTION NO. 3:20-CV-21

**ORDER**


Before the court is Shell's motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).<sup>1</sup> After considering the parties' arguments, the pleadings, supplemental authorities, and the applicable law, the court denies the motion in part and grants it in part.

The motion is denied as to Counts I, II, III, and VIII. The motion is granted, pursuant to Rule 12(b)(6), as to Counts V, VI, and IX. As the court explains in its memorandum opinion and order granting the Fidelity defendants' motion to dismiss (Dkt. 138), participant data are not "plan assets" under ERISA.

Signed on Galveston Island on this the 31st day of March, 2021.

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<sup>1</sup> Dkt. 92. "Shell" refers collectively to Shell Oil Company, the Plan Trustees, and current and former Shell employees Cynthia A.P. Deere, Scott G. Ballard, Paul Goodfellow, Rhoman J. Hardy, Eileen M. Perillo, Christopher B. Rice, Susan M. Ward, and Glenn T. Wright.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT  
JUDGE